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Remarks

Reconsideration of the above-captioned application is respectfully requested. The allegation that the drawings fail to show an error correction code system as set forth in claim 28 is incorrect. There is no "error correction code system" recited in Claim 28, but rather a hard disk drive, which is shown in figures 1 and 4 along with its controller, which embodies the claimed "means" when programmed according to present principles.

Claims 1-3, 5-7, 9, 11-13, 15-17, 20, 21, and 23-25, of which Claims 1, 11, and 20 are independent, have been rejected under 35 U.S.C. §102 as being anticipated by Liu et al., USPP 2002/0071198, while independent Claim 28 has been rejected under 35 U.S.C. §102 as being anticipated by Asano et al., USPP 2003/0147167.

Dependent Claims 4, 14, and 22 have been rejected under 35 U.S.C. §103 as being unpatentable over Liu et al. in view of Payne et al., USPN 6,212,047, dependent Claims 8, 18, and 26 have been rejected under 35 U.S.C. §103 as being unpatentable over Liu et al. in view of Wei Loon et al., USPP 2002/0059276, and dependent Claims 10, 19, and 27 have been rejected under 35 U.S.C. §103 as being unpatentable over Liu et al. in view of Tomita et al., USPN 6,449,607.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

Independent Claims 1, 11, and 20

Of relevance to the first three independent claims is the allegation that Liu et al., paragraphs 64 and 68 teach writing no more than a single data file or a single audio video (AV) data stream to a band. In fact, Liu et al. strongly suggests just the opposite: it uses the term "block" to refer to a multi-track data unit, and then plainly and unambiguously states that "writes to such tracks ***must fill the entire block***", fourth line of paragraph 68. If writes "must" fill the entire block, perforce writes cannot be limited to one and only one A/V file or data file as claimed. The rejections of the first three independent claims and their respective dependent claims are overcome.

Independent Claim 28

There is no mention at all in paragraph 108 of Asano et al. of parity, much less that error correction code parity from a first write operation is used to generate error correction code parity for a second write operation subsequent to the first write operation as is otherwise recited in Claim 28. Indeed, because parity typically involves XORing "N" data bytes (not check bytes) to generate an extra (N+1) byte that subsequently can be combined with surviving data bytes to resurrect a lost data byte, paragraph 108 of Asano et al., which focusses on check bytes, plainly fails to implicate parity at all, much less in the way set forth in Claim 28. Apart from this, Applicant has been able to discern nothing in Asano et al. about successive writes, much less that parity from a first write is used to generate parity for a second write as required in Claim 28. The rejection of Claim 28 and its respective dependent claims is overcome.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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Respectfully submitted,

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